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Articles

DEFAMATION, ANTI-SLAPP LEGISLATION, AND THE BLOGOSPHERE: NEW SOLUTIONS FOR AN OLD PROBLEM

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Because of the importance of the blogosphere as an emerging medium, this Article suggests that Congress should adopt a federal statute to protect speakers from “Strategic Lawsuits Against Public Participation,” or SLAPPs. Federal anti-SLAPP legislation could serve as a powerful deterrent against groundless suits. In support of this thesis, the Article begins by exploring the growth of the internet and its recent transformation into a medium dominated by individuals. Part II analyzes the current legal framework, including a brief overview of defamation law, and contains an analysis of previous legal attempts to fit the internet into various defamation frameworks. Part III analyzes two cases as a template for understanding the unique problems that the “new” internet faces, while Part IV explores potential solutions to the problem and concludes that federal anti-SLAPP litigation would be a strong step toward the protection of First Amendment freedoms on the internet.

JUSTICE MICHAEL A. MUSMANNO AND OBSCENITY (1956-1967)

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From 1957 to 1973, the United States Supreme Court was in the process of articulating and refining the standard by which a literary or artistic work would be classified as “obscene.” State supreme courts were likewise addressing this issue under their own constitutions and statutes. In Pennsylvania, Justice Michael A. Musmanno struggled against United States Supreme Court opinions that, in his opinion, opened the door to the spread of all types

of obscene, lewd, and immoral materials throughout society. Justice Musmanno's opinions on this matter were consistent throughout this time of change, and they frequently reflected his views on American democracy. This Article will review Justice Musmanno's powerful dissents on key film and book censorship cases decided by the Pennsylvania Supreme Court from 1956 to 1967.

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